

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SCOTT J. MELNICK, :
: Plaintiff, : CIVIL ACTION NO. 14-3065
: :
v. :
: THE ESTATE OF JAMES L. LEUTHE, :
: :
: Defendant. :
:

ORDER TO SHOW CAUSE

AND NOW, this 24th day of October, 2014, for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

1. The plaintiff *pro se*, Mr. Scott Jeffrey Melnick, will **SHOW CAUSE** why the court should not dismiss this action for (a) lack of subject-matter jurisdiction, or (b) for lack of timely service of the summons and complaint;
2. The plaintiff, if responding, must file a written response with the court no later than **Friday, November 14, 2014**;¹
3. If the plaintiff fails to respond to this order to show cause, the court will interpret his failure as an indication that he is unopposed to dismissal of this action; and

¹ As indicated in the memorandum opinion, with respect to the apparent lack of timely service of process, any response by the plaintiff must show either (1) he effected service of process within the 120-day period, or (2) good cause for the failure to effect service. As for the apparent lack of subject-matter jurisdiction, the plaintiff must affirmatively assert and substantiate the grounds by which the court has subject-matter jurisdiction over this action.

4. The court will hear argument on the issues raised in this order and accompanying memorandum opinion on **Wednesday, November 19, 2014**, at **10:00 a.m.** at the Holmes Building, 4th Floor, 101 Larry Holmes Drive, Easton, Pennsylvania.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.